

108TH CONGRESS  
2D SESSION

# H. R. 4473

Making appropriations for the Department of Education for the fiscal year ending September 30, 2005, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2004

Mr. OBEY (for himself, Mr. GEORGE MILLER of California, Ms. PELOSI, Mr. HOYER, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD) introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

Making appropriations for the Department of Education for the fiscal year ending September 30, 2005, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       Department of Education for the fiscal year ending Sep-  
6       tember 30, 2005, and for other purposes, namely:

## 1 TITLE I—DEPARTMENT OF EDUCATION

## 2 EDUCATION FOR THE DISADVANTAGED

3 For carrying out title I of the Elementary and Sec-  
4 ondary Education Act of 1965 (“ESEA”) and section  
5 418A of the Higher Education Act of 1965,  
6 \$22,764,788,000, of which \$15,180,373,000 shall become  
7 available on July 1, 2005, and shall remain available  
8 through September 30, 2006, and of which  
9 \$7,383,301,000 shall become available on October 1,  
10 2005, and shall remain available through September 30,  
11 2006, for academic year 2005–2006: *Provided*, That  
12 \$7,271,228,000 shall be available for basic grants under  
13 section 1124: *Provided further*, That up to \$3,500,000 of  
14 these funds shall be available to the Secretary of Edu-  
15 cation on October 1, 2004, to obtain updated educational-  
16 agency-level census poverty data from the Bureau of the  
17 Census: *Provided further*, That \$1,365,031,000 shall be  
18 available for concentration grants under section 1124A:  
19 *Provided further*, That \$5,931,871,000 shall be available  
20 for targeted grants under section 1125: *Provided further*,  
21 That \$5,931,871,000 shall be available for education fi-  
22 nance incentive grants under section 1125A: *Provided fur-*  
23 *ther*, That \$233,613,000 shall be available for comprehen-  
24 sive school reform grants under part F of the ESEA: *Pro-*  
25 *vided further*, That \$9,500,000 shall be available to carry

1 out part E of title I: *Provided further*, That from the funds  
 2 available to carry out part A of title I, up to \$1,000,000  
 3 shall be available to the Secretary of Education to provide  
 4 technical assistance to State and local educational agen-  
 5 cies concerning part A of title I.

#### 6 IMPACT AID

7 For carrying out programs of financial assistance to  
 8 federally affected schools authorized by title VIII of the  
 9 Elementary and Secondary Education Act of 1965,  
 10 \$1,335,527,000, of which \$1,128,618,000 shall be for  
 11 basic support payments under section 8003(b),  
 12 \$51,000,000 shall be for payments for children with dis-  
 13 abilities under section 8003(d), \$65,936,000 shall be for  
 14 construction under section 8007 and shall remain avail-  
 15 able through September 30, 2006, \$82,072,000 shall be  
 16 for Federal property payments under section 8002, and  
 17 \$7,901,000, to remain available until expended, shall be  
 18 for facilities maintenance under section 8008.

#### 19 SCHOOL IMPROVEMENT PROGRAMS

20 For carrying out school improvement activities au-  
 21 thorized by titles II, part B of title IV, part A and sub-  
 22 parts 6 and 9 of part D of title V, parts A and B of title  
 23 VI, and parts B and C of title VII of the Elementary and  
 24 Secondary Education Act of 1965 (“ESEA”); the McKin-  
 25 ney-Vento Homeless Assistance Act; sections 203 and 205

1 of the Educational Technical Assistance Act of 2002; and  
 2 the Civil Rights Act of 1964, \$7,333,583,000, of which  
 3 \$5,455,867,00 shall become available on July 1, 2005, and  
 4 remain available through September 30, 2006, and of  
 5 which \$1,435,000,000 shall become available on October  
 6 1, 2005, and shall remain available through September 30,  
 7 2006, for academic year 2005–2006: *Provided*, That funds  
 8 made available to carry out part B of title VII of the  
 9 ESEA may be used for construction, renovation and mod-  
 10 ernization of any elementary school, secondary school, or  
 11 structure related to an elementary school or secondary  
 12 school, run by the Department of Education of the State  
 13 of Hawaii, that serves a predominantly Native Hawaiian  
 14 student body: *Provided further*, That from the funds re-  
 15 ferred to in the preceding proviso, not less than  
 16 \$1,000,000 shall be for a grant to the Department of Edu-  
 17 cation of the State of Hawaii for the activities described  
 18 in such proviso: *Provided further*, That funds made avail-  
 19 able to carry out part C of title VII of the ESEA may  
 20 be used for construction: *Provided further*, That  
 21 \$490,000,000 shall be for subpart 1 of part A of title VI  
 22 of the ESEA: *Provided further*, That \$27,657,000 shall  
 23 be available to carry out part D of title V of the ESEA:  
 24 *Provided further*, That no funds appropriated under this  
 25 heading may be used to carry out section 5494 under the

1 ESEA: *Provided further*, That \$4,939,000 shall be avail-  
 2 able to extend for one additional year the contract for the  
 3 Eisenhower National Clearinghouse for Mathematics and  
 4 Science Education authorized under section 2102(a)(2) of  
 5 the Elementary and Secondary Education Act of 1965,  
 6 prior to its amendment by the No Child Left Behind Act  
 7 of 2001, Public Law 107–110.

#### 8 INDIAN EDUCATION

9 For expenses necessary to carry out, to the extent  
 10 not otherwise provided, title VII, part A of the Elementary  
 11 and Secondary Education Act of 1965, \$120,856,000.

#### 12 INNOVATION AND IMPROVEMENT

13 For carrying out activities authorized by parts G and  
 14 H of title I, subpart 5 of part A and parts C and D of  
 15 title II, parts B, C, and D of title V, and section 1504  
 16 of the Elementary and Secondary Education Act of 1965  
 17 (“ESEA”), \$973,379,000: *Provided*, That \$74,073,000  
 18 for continuing and new grants to demonstrate effective ap-  
 19 proaches to comprehensive school reform shall become  
 20 available on July 1, 2005, and remain available through  
 21 September 30, 2006, and shall be allocated and expended  
 22 in the same manner as the funds provided under the Fund  
 23 for the Improvement of Education for this purpose were  
 24 allocated and expended in fiscal year 2004: *Provided fur-*  
 25 *ther*, That \$7,000,000 shall be available to carry out sec-

tion 2151(c) of the ESEA, which shall be provided to the National Board for Professional Teaching Standards: *Provided further*, That \$37,279,000 shall be for subpart 2 of part B of title V: *Provided further*, That \$251,383,000 shall be available to carry out part D of title V of the ESEA.

#### SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 (“ESEA”), title VIII–D of the Higher Education Amendments of 1998, and Public Law 102–73, \$927,372,000, of which \$488,773,000 shall become available on July 1, 2005, and remain available through September 30, 2006: *Provided*, That of the amount available for subpart 2 of part A of title IV of the ESEA, \$850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105–244: *Provided further*, That \$463,920,000 shall be available for subpart 1 of part A of title IV and \$279,880,000 shall be available for subpart 2 of part A of title IV, of which \$5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local edu-

1 cational agencies in which the learning environment has  
 2 been disrupted due to a violent or traumatic crisis: *Pro-*  
 3 *vided further*, That \$130,077,000 shall be available to  
 4 carry out part D of title V of the ESEA: *Provided further*,  
 5 That of the funds available to carry out subpart 3 of part  
 6 C of title II, up to \$11,852,000 may be used to carry out  
 7 section 2345 and \$2,962,000 shall be used by the Center  
 8 for Civic Education to implement a comprehensive pro-  
 9 gram to improve public knowledge, understanding, and  
 10 support of the Congress and the State legislatures: *Pro-*  
 11 *vided further*, That \$24,853,000 shall be for Youth Of-  
 12 fender Grants, of which \$4,971,000 shall be used in ac-  
 13 cordance with section 601 of Public law 102-73 as that  
 14 section was in effect prior to enactment of Public Law  
 15 105-220: *Provided further*, That of the funds available to  
 16 carry out subpart 10 of part D of title V, up to \$2,000,000  
 17 may be used to support the Special Olympics.

#### 18                   ENGLISH LANGUAGE ACQUISITION

19       For carrying out part A of title III of the ESEA,  
 20 \$750,000,000, of which \$660,454,000 shall become avail-  
 21 able on July 1, 2005, and shall remain available through  
 22 September 30, 2006: *Provided*, That funds reserved under  
 23 section 3111(c)(1)(D) of the ESEA that are not used in  
 24 accordance with section 3111(c)(2) may be added to the

1 funds that are available July 1, 2005 through September  
 2 30, 2006, for State allotments under section 3111(c)(3).

### 3 SPECIAL EDUCATION

4 For carrying out parts B, C, and D of the Individuals  
 5 with Disabilities Education Act, \$13,376,101,000, of  
 6 which \$7,760,447,000 shall become available for obliga-  
 7 tion on July 1, 2005, and shall remain available through  
 8 September 30, 2006, and of which \$5,413,000,000 shall  
 9 become available on October 1, 2005, and shall remain  
 10 available through September 30, 2006, for academic year  
 11 2005–2006: *Provided*, That \$11,333,000 shall be for Re-  
 12 cording for the Blind and Dyslexic to support the develop-  
 13 ment, production, and circulation of recorded educational  
 14 materials: *Provided further*, That \$1,491,000 shall be for  
 15 the recipient of funds provided by Public Law 105–78  
 16 under section 687(b)(2)(G) of the Act to provide informa-  
 17 tion on diagnosis, intervention, and teaching strategies for  
 18 children with disabilities: *Provided further*, That the  
 19 amount for section 611(c) of the Act shall be equal to the  
 20 amount available for that section during fiscal year 2004,  
 21 increased by the amount of inflation as specified in section  
 22 611(f)(1)(B)(ii) of the Act.

### 23 REHABILITATION SERVICES AND DISABILITY RESEARCH

24 For carrying out, to the extent not otherwise pro-  
 25 vided, the Rehabilitation Act of 1973, the Assistive Tech-



1 nology Act of 1998 (“the AT Act”), and the Helen Keller  
2 National Center Act, \$3,068,764,000.

3 SPECIAL INSTITUTIONS FOR PERSONS WITH  
4 DISABILITIES

5 AMERICAN PRINTING HOUSE FOR THE BLIND

6 For carrying out the Act of March 3, 1879, as  
7 amended (20 U.S.C. 101 et seq.), \$17,223,000.

8 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

9 For the National Technical Institute for the Deaf  
10 under titles I and II of the Education of the Deaf Act  
11 of 1986 (20 U.S.C. 4301 et seq.), \$55,800,000, of which  
12 \$1,685,000 shall be for construction and shall remain  
13 available until expended: *Provided*, That from the total  
14 amount available, the Institute may at its discretion use  
15 funds for the endowment program as authorized under  
16 section 207.

17 GALLAUDET UNIVERSITY

18 For the Kendall Demonstration Elementary School,  
19 the Model Secondary School for the Deaf, and the partial  
20 support of Gallaudet University under titles I and II of  
21 the Education of the Deaf Act of 1986 (20 U.S.C. 4301  
22 et seq.), \$105,400,000: *Provided*, That from the total  
23 amount available, the University may at its discretion use  
24 funds for the endowment program as authorized under  
25 section 207.

## 1 VOCATIONAL AND ADULT EDUCATION

2 For carrying out, to the extent not otherwise pro-  
3 vided, the Carl D. Perkins Vocational and Technical Edu-  
4 cation Act of 1998, the Adult Education and Family Lit-  
5 eracy Act, and subparts 4 and 11 of part D of title V  
6 of the Elementary and Secondary Education Act of 1965  
7 (“ESEA”), \$2,187,365,000, of which \$1,377,726,000  
8 shall become available on July 1, 2005, and shall remain  
9 available through September 30, 2006, and of which  
10 \$791,000,000 shall become available on October 1, 2005,  
11 and shall remain available through September 30, 2006:  
12 *Provided*, That notwithstanding any other provision of law  
13 or any regulation, the Secretary of Education shall not  
14 require the use of a restricted indirect cost rate for grants  
15 issued pursuant to section 117 of the Carl D. Perkins Vo-  
16 cational and Technical Education Act of 1998: *Provided*  
17 *further*, That of the amount provided for Adult Education  
18 State Grants, \$72,220,000 shall be made available for in-  
19 tegrated English literacy and civics education services to  
20 immigrants and other limited English proficient popu-  
21 lations: *Provided further*, That of the amount reserved for  
22 integrated English literacy and civics education, notwith-  
23 standing section 211 of the Adult Education and Family  
24 Literacy Act, 65 percent shall be allocated to States based  
25 on a State’s absolute need as determined by calculating

1 each State's share of a 10-year average of the Immigration  
2 and Naturalization Service data for immigrants admitted  
3 for legal permanent residence for the 10 most recent  
4 years, and 35 percent allocated to States that experienced  
5 growth as measured by the average of the 3 most recent  
6 years for which Immigration and Naturalization Service  
7 data for immigrants admitted for legal permanent resi-  
8 dence are available, except that no State shall be allocated  
9 an amount less than \$60,000: *Provided further*, That of  
10 the amounts made available for the Adult Education and  
11 Family Literacy Act, \$9,169,000 shall be for national  
12 leadership activities under section 243 and \$6,692,000  
13 shall be for the National Institute of Literacy under sec-  
14 tion 242: *Provided further*, That \$183,908,000 shall be  
15 available to carry out part D of title V of the ESEA: *Pro-*  
16 *vided further*, That \$173,967,000 shall be available to sup-  
17 port the activities authorized under subpart 4 of part D  
18 of title V of the Elementary and Secondary Education Act  
19 of 1965, of which up to 5 percent shall become available  
20 October 1, 2004, and shall remain available through Sep-  
21 tember 30, 2006, for evaluation, technical assistance,  
22 school networking, peer review of applications, and pro-  
23 gram outreach activities, and of which not less than 95  
24 percent shall become available on July 1, 2005, and re-  
25 main available through September 30, 2006, for grants

1 to local educational agencies: *Provided further*, That funds  
 2 made available to local education agencies under this sub-  
 3 part shall be used only for activities related to establishing  
 4 smaller learning communities in high schools.

#### 5 STUDENT FINANCIAL ASSISTANCE

6 For carrying out subparts 1, 3, and 4 of part A, part  
 7 C and part E of title IV of the Higher Education Act of  
 8 1965, as amended, \$17,281,931,000, which shall remain  
 9 available through September 30, 2006.

10 The maximum Pell Grant for which a student shall  
 11 be eligible during award year 2005–2006 shall be \$4,500.

#### 12 STUDENT AID ADMINISTRATION

13 For Federal administrative expenses (in addition to  
 14 funds made available under section 458), to carry out part  
 15 D of title I, and subparts 1, 3, and 4 of part A, and parts  
 16 B, C, D and E of title IV of the Higher Education Act  
 17 of 1965, as amended, \$139,639,000.

#### 18 HIGHER EDUCATION

19 For carrying out, to the extent not otherwise pro-  
 20 vided, section 121 and titles II, III, IV, V, VI, and VII  
 21 of the Higher Education Act of 1965 (“HEA”), as amend-  
 22 ed, section 1543 of the Higher Education Amendments  
 23 of 1992, title VIII of the Higher Education Amendments  
 24 of 1998, and the Mutual Educational and Cultural Ex-  
 25 change Act of 1961, and section 117 of the Carl D. Per-

1 kins Vocational and Technical Education Act,  
2 \$2,192,790,000, of which \$1,500,000 for interest sub-  
3 sidies authorized by section 121 of the HEA shall remain  
4 available until expended: *Provided*, That \$9,876,000, to  
5 remain available through September 30, 2006, shall be  
6 available to fund fellowships for academic year 2006–2007  
7 under part A, subpart 1 of title VII of said Act, under  
8 the terms and conditions of part A, subpart 1: *Provided*  
9 *further*, That \$988,000 is for data collection and evalua-  
10 tion activities for programs under the HEA, including  
11 such activities needed to comply with the Government Per-  
12 formance and Results Act of 1993: *Provided further*, That  
13 notwithstanding any other provision of law, funds made  
14 available in this Act to carry out title VI of the HEA and  
15 section 102(b)(6) of the Mutual Educational and Cultural  
16 Exchange Act of 1961 may be used to support visits and  
17 study in foreign countries by individuals who are partici-  
18 pating in advanced foreign language training and inter-  
19 national studies in areas that are vital to United States  
20 national security and who plan to apply their language  
21 skills and knowledge of these countries in the fields of gov-  
22 ernment, the professions, or international development:  
23 *Provided further*, That up to 1 percent of the funds re-  
24 ferred to in the preceding proviso may be used for pro-

1 gram evaluation, national outreach, and information dis-  
2 semination activities.

3 HOWARD UNIVERSITY

4 For partial support of Howard University (20 U.S.C.  
5 121 et seq.), \$250,701,000, of which not less than  
6 \$3,600,000 shall be for a matching endowment grant pur-  
7 suant to the Howard University Endowment Act (Public  
8 Law 98–480) and shall remain available until expended.

9 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS  
10 PROGRAM

11 For Federal administrative expenses authorized  
12 under section 121 of the Higher Education Act of 1965,  
13 \$578,000 to carry out activities related to existing facility  
14 loans entered into under the Higher Education Act of  
15 1965.

16 HISTORICALLY BLACK COLLEGE AND UNIVERSITY  
17 CAPITAL FINANCING PROGRAM ACCOUNT

18 The aggregate principal amount of outstanding bonds  
19 insured pursuant to section 344 of title III, part D of the  
20 Higher Education Act of 1965, shall not exceed  
21 \$357,000,000, and the cost, as defined in section 502 of  
22 the Congressional Budget Act of 1974, of such bonds shall  
23 not exceed zero.

24 For administrative expenses to carry out the Histori-  
25 cally Black College and University Capital Financing Pro-

1 gram entered into pursuant to title III, part D of the  
 2 Higher Education Act of 1965, as amended, \$212,000.

3 INSTITUTE OF EDUCATION SCIENCES

4 For carrying out activities authorized by Public Law  
 5 107–279, \$519,619,000: *Provided*, That, of the amount  
 6 appropriated, \$185,000,000 shall be available for obliga-  
 7 tion through September 30, 2006: *Provided further*, That,  
 8 of the amount provided to carry out title I, parts B and  
 9 D of Public Law 107–279, not less than \$34,767,000 shall  
 10 be for the national research and development centers au-  
 11 thorized under section 133(c).

12 DEPARTMENTAL MANAGEMENT

13 PROGRAM ADMINISTRATION

14 For carrying out, to the extent not otherwise pro-  
 15 vided, the Department of Education Organization Act, in-  
 16 cluding rental of conference rooms in the District of Co-  
 17 lumbia and hire of three passenger motor vehicles,  
 18 \$429,778,000.

19 OFFICE FOR CIVIL RIGHTS

20 For expenses necessary for the Office for Civil  
 21 Rights, as authorized by section 203 of the Department  
 22 of Education Organization Act, \$92,801,000.

23 OFFICE OF THE INSPECTOR GENERAL

24 For expenses necessary for the Office of the Inspector  
 25 General, as authorized by section 212 of the Department  
 26 of Education Organization Act, \$50,576,000.

## 1           TITLE II—GENERAL PROVISIONS

2           SEC. 201. No funds appropriated in this Act may be  
3 used for the transportation of students or teachers (or for  
4 the purchase of equipment for such transportation) in  
5 order to overcome racial imbalance in any school or school  
6 system, or for the transportation of students or teachers  
7 (or for the purchase of equipment for such transportation)  
8 in order to carry out a plan of racial desegregation of any  
9 school or school system.

10          SEC. 202. None of the funds contained in this Act  
11 shall be used to require, directly or indirectly, the trans-  
12 portation of any student to a school other than the school  
13 which is nearest the student's home, except for a student  
14 requiring special education, to the school offering such  
15 special education, in order to comply with title VI of the  
16 Civil Rights Act of 1964. For the purpose of this section  
17 an indirect requirement of transportation of students in-  
18 cludes the transportation of students to carry out a plan  
19 involving the reorganization of the grade structure of  
20 schools, the pairing of schools, or the clustering of schools,  
21 or any combination of grade restructuring, pairing or clus-  
22 tering. The prohibition described in this section does not  
23 include the establishment of magnet schools.



5 SEC. 204. Not to exceed 1 percent of any discre-  
6 tionary funds (pursuant to the Balanced Budget and  
7 Emergency Deficit Control Act of 1985, as amended)  
8 which are appropriated for the Department of Education  
9 in this Act may be transferred between appropriations, but  
10 no such appropriation shall be increased by more than 3  
11 percent by any such transfer: *Provided*, That the Appro-  
12 priations Committees of both Houses of Congress are noti-  
13 fied at least 15 days in advance of any transfer.

SEC. 206. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 207. (a) No part of any appropriation contained  
in this Act shall be used, other than for normal and recog-  
nized executive-legislative relationships, for publicity or

1 propaganda purposes, for the preparation, distribution, or  
2 use of any kit, pamphlet, booklet, publication, radio, tele-  
3 vision, or video presentation designed to support or defeat  
4 legislation pending before the Congress or any State legis-  
5 lature, except in presentation to the Congress or any State  
6 legislature itself.

7 (b) No part of any appropriation contained in this  
8 Act shall be used to pay the salary or expenses of any  
9 grant or contract recipient, or agent acting for such recipi-  
10 ent, related to any activity designed to influence legislation  
11 or appropriations pending before the Congress or any  
12 State legislature.

13 SEC. 208. The Secretary of Education is authorized  
14 to make available not to exceed \$20,000, from funds avail-  
15 able for salaries and expenses under title I for official re-  
16 ception and representation expenses.

17 SEC. 209. (a) It is the sense of the Congress that,  
18 to the greatest extent practicable, all equipment and prod-  
19 ucts purchased with funds made available in this Act  
20 should be American-made.

21 (b) In providing financial assistance to, or entering  
22 into any contract with, any entity using funds made avail-  
23 able in this Act, the head of each Federal agency, to the  
24 greatest extent practicable, shall provide to such entity a

1 notice describing the statement made in subsection (a) by  
2 the Congress.

3 (c) If it has been finally determined by a court or  
4 Federal agency that any person intentionally affixed a  
5 label bearing a “Made in America” inscription, or any in-  
6 scription with the same meaning, to any product sold in  
7 or shipped to the United States that is not made in the  
8 United States, the person shall be ineligible to receive any  
9 contract or subcontract made with funds made available  
10 in this Act, pursuant to the debarment, suspension, and  
11 ineligibility procedures described in sections 9.400 through  
12 9.409 of title 48, Code of Federal Regulations.

13 SEC. 210. When issuing statements, press releases,  
14 requests for proposals, bid solicitations and other docu-  
15 ments describing projects or programs funded in whole or  
16 in part with Federal money, all grantees receiving Federal  
17 funds included in this Act, including but not limited to  
18 State and local governments and recipients of Federal re-  
19 search grants, shall clearly state:

20 (1) the percentage of the total costs of the pro-  
21 gram or project which will be financed with Federal  
22 money;

23 (2) the dollar amount of Federal funds for the  
24 project or program; and

1           (3) percentage and dollar amount of the total  
2           costs of the project or program that will be financed  
3           by non-governmental sources.

4           SEC. 211. None of the funds made available in this  
5           Act may be transferred to any department, agency, or in-  
6           strumentality of the United States Government, except  
7           pursuant to a transfer made by, or transfer authority pro-  
8           vided in, this Act or any other appropriation Act.

9           SEC. 212. None of the funds made available by this  
10          Act to carry out part D of title II of the Elementary and  
11          Secondary Education Act of 1965 may be made available  
12          to any elementary or secondary school covered by para-  
13          graph (1) of section 2441(a) of such Act (20 U.S.C.  
14          6777(a)), as amended by the Children's Internet Protec-  
15          tions Act and the No Child Left Behind Act, unless the  
16          local educational agency with responsibility for such cov-  
17          ered school has made the certifications required by para-  
18          graph (2) of such section.

19          SEC. 213. To carry out section 105 of the Compact  
20          of Free Association Amendments Act of 2003 (Public Law  
21          108–188), from amounts made available in this Act for  
22          part A of title I of the Elementary and Secondary Edu-  
23          cation Act of 1965, title II of the Workforce Investment  
24          Act of 1998, title I of the Carl D. Perkins Vocational and  
25          Technical Education Act of 1998, and subpart 3 of part

1 A, and part C, of title IV of the Higher Education Act  
2 of 1965, an amount equal to amounts made available  
3 under these authorities in division E of the Consolidated  
4 Appropriations Act, 2004 (Public Law 180–199) for the  
5 Republic of the Marshall Islands and the Federated States  
6 of Micronesia shall be transferred to “School Improvement  
7 Programs, Department of Education” to carry out the  
8 Supplemental Education Grants program: *Provided*, That  
9 within 90 days of enactment of this Act, such amounts  
10 shall be transferred to the Secretary of the Interior for  
11 disbursement to the Republic of Marshall Islands and the  
12 Federated States of Micronesia.

13 SEC. 214. The Secretary of Education shall not im-  
14 plement or enforce for the award year 2005–2006 any an-  
15 nual update to the allowance for State and other taxes  
16 in the tables used in the Federal need analysis method-  
17 ology to determine a student’s expected family contribu-  
18 tion under part F of title IV of the Higher Education Act  
19 of 1965.

20 SEC. 215. In addition to amounts otherwise provided  
21 under the heading “Education for the Disadvantaged” to  
22 carry out subpart 2 of part A of title I of the Elementary  
23 and Secondary Education Act of 1965, \$233,636,000,  
24 which shall become available on October 1, 2004, and re-  
25 main available through September 30, 2005, for academic

1 year 2004–2005 and which shall be allocated, notwithstanding any other provision of law, to those local educational agencies that would otherwise receive, under the Department of Education Appropriations Act, 2004, smaller allocations under such subpart than they received for fiscal year 2003: *Provided*, That the Secretary of Education shall use these additional funds to provide each of those local educational agencies with an allocation for fiscal year 2004 that is 100 percent of the amount such local educational agency received under that subpart for fiscal year 2003: *Provided further*, That the Secretary shall ratably reduce the allocations to local educational agencies under the preceding proviso if the funds available are insufficient to make those allocations in full: *Provided further*, That the additional amounts appropriated under this section shall not be taken into account in determining state allocations under any program administered by the Secretary for any fiscal year.

19       SEC. 216. In the case of taxpayers with adjusted  
20 gross income in excess of \$1,000,000 for calendar year  
21 2004, the amount of the tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation  
22 Act of 2003 (Public Law 108–27) and enactment of the  
23 Economic Growth and Tax Relief Reconciliation Act of  
24

1 2001 (Public Law 107–16) shall be reduced by 55.7 per-  
2 cent.

3       This Act may be cited as the “Educational Oppor-  
4 tunity for the 21st Century Department of Education Ap-  
5 propriations Act, 2005”.

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